

1 EDMUND G. BROWN JR.  
2 Attorney General of California  
3 GAIL M. HEPPELL  
4 Supervising Deputy Attorney General  
5 ROBERT C. MILLER  
6 Deputy Attorney General  
7 State Bar No. 125422  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5161  
Facsimile: (916) 327-2247  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
PHYSICAL THERAPY-BOARD OF CALIFORNIA  
SACRAMENTO, CA 11/07/2011  
BY *Chutz* ANALYST

8 **BEFORE THE**  
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1D 2008 65926

13 **WESLEY JAY SPHAR, PTA**  
14 2682 La Rinconada Place  
15 Redding, CA 96002

**A C C U S A T I O N**

Physical Therapist Assistant No. AT 4249

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Rebecca Marco (Complainant) brings this Accusation solely in her official capacity  
20 as the Interim Executive Officer of the Physical Therapy Board of California, Department of  
21 Consumer Affairs.

22 2. On or about February 9, 1996, the Physical Therapy Board of California issued  
23 Physical Therapist Assistant License Number AT 4249, to Wesley Sphar (Respondent). Said  
24 license will expired on September 30, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Physical Therapy Board of California (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 2609 of the Code states:

2           "The board shall issue, suspend, and revoke licenses and approvals to practice physical  
3 therapy as provided in this chapter."

4           5.     Section 2660 of the Code states, in pertinent part:

5           "The board may, after the conduct of appropriate proceedings under the Administrative  
6 Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary  
7 conditions upon any license, certificate, or approval issued under this chapter for unprofessional  
8 conduct that includes, but is not limited to, one or any combination of the following causes:

9           ...

10          (g) Gross negligence in his or her practice as a physical therapist or physical therapist  
11 assistant.

12          (h) Conviction of a violation of any of the provisions of this chapter or of the Medical  
13 Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting  
14 the violating of, or conspiring to violate any provision or term of this chapter or of the Medical  
15 Practice Act.

16          (i) The aiding or abetting of any person to violate this chapter or any regulations duly  
17 adopted under this chapter.

18          (j) The aiding or abetting of any person to engage in the unlawful practice of physical  
19 therapy.

20          (k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related  
21 to the qualifications, functions, or duties of a physical therapist or physical therapist assistant."

22          6.     Section 2661.5 of the Code states:

23          "(a) In any order issued in resolution of a disciplinary proceeding before the board, the  
24 board may request the administrative law judge to direct any licensee found guilty of  
25 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of  
26 the investigation and prosecution of the case.

27          "(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in  
28 any event be increased by the board. When the board does not adopt a proposed decision and

1 remands the case to an administrative law judge, the administrative law judge shall not increase  
2 the amount of the assessed costs specified in the proposed decision.

3 "(c) When the payment directed in an order for payment of costs is not made by the  
4 licensee, the board may enforce the order of payment by bringing an action in any appropriate  
5 court. This right of enforcement shall be in addition to any other rights the board may have as to  
6 any licensee directed to pay costs.

7 "(d) In any judicial action for the recovery of costs, proof of the board's decision shall be  
8 conclusive proof of the validity of the order of payment and the terms for payment.

9 "(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the  
10 license or approval of any person who has failed to pay all of the costs ordered under this section.

11 "(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or  
12 reinstate for a maximum of one year the license or approval of any person who demonstrates  
13 financial hardship and who enters into a formal agreement with the board to reimburse the board  
14 within that one year period for those unpaid costs.

15 "(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund  
16 as a reimbursement in either the fiscal year in which the costs are actually recovered or the  
17 previous fiscal year, as the board may direct."

18 7. Section 2620.7 of the Code states:

19 "(a) A physical therapist shall document his or her evaluation, goals, treatment plan, and  
20 summary of treatment in the patient record.

21 "(b) A physical therapist shall document the care actually provided to a patient in the  
22 patient record.

23 "(c) A physical therapist shall sign the patient record legibly.

24 "(d) Patient records shall be maintained for a period of no less than seven years following  
25 the discharge of the patient, except that the records of unemancipated minors shall be maintained  
26 at least one year after the minor has reached the age of 18 years, and not in any case less than  
27 seven years."

28 ///

1       8.     Section 2655 of the Code states:

2       "As used in this article:

3       "(a) 'Physical therapist' means a physical therapist licensed by the board.

4       "(b) 'Physical therapist assistant' means a person who meets the qualifications stated in  
5     Section 2655.3 and who is approved by the board to assist in the provision of physical therapy  
6     under the supervision of a physical therapist who shall be responsible for the extent, kind, and  
7     quality of the services provided by the physical therapist assistant.

8       "(c) 'Physical therapist assistant' and 'physical therapy assistant' shall be deemed identical  
9     and interchangeable."

10      9.     Section 2655.7 of the Code states:

11      "Notwithstanding Section 2630, a physical therapist assistant may assist in the provision of  
12     physical therapy service provided the assistance is rendered under the supervision of a physical  
13     therapist licensed by the board."

14      10.    California Code of Regulations, title 16, section 1398.44, states:

15      A licensed physical therapist shall at all times be responsible for all physical therapy  
16     services provided by the physical therapist assistant. The supervising physical therapist has  
17     continuing responsibility to follow the progress of each patient, provide direct care to the patient  
18     and to assure that the physical therapist assistant does not function autonomously. Adequate  
19     supervision shall include all of the following:

20      (a) The supervising physical therapist shall be readily available in person or by  
21     telecommunication to the physical therapist assistant at all times while the physical therapist  
22     assistant is treating patients. The supervising physical therapist shall provide periodic on site  
23     supervision and observation of the assigned patient care rendered by the physical therapist  
24     assistant.

25      (b) The supervising physical therapist shall initially evaluate each patient and document in  
26     the patient record, along with his or her signature, the evaluation and when the patient is to be  
27     reevaluated.

28     ///

1 (c) The supervising physical therapist shall formulate and document in each patient's  
2 record, along with his or her signature, the treatment program goals and plan based upon the  
3 evaluation and any other information available to the supervising physical therapist. This  
4 information shall be communicated verbally, or in writing by the supervising physical therapist to  
5 the physical therapist assistant prior to initiation of treatment by the physical therapist assistant.  
6 The supervising physical therapist shall determine which elements of the treatment plan may be  
7 assigned to the physical therapist assistant. Assignment of these responsibilities must be  
8 commensurate with the qualifications, including experience, education and training, of the  
9 physical therapist assistant.

10 (d) The supervising physical therapist shall reevaluate the patient as previously determined,  
11 or more often if necessary, and modify the treatment, goals and plan as needed. The reevaluation  
12 shall include treatment to the patient by the supervising physical therapist. The reevaluation shall  
13 be documented and signed by the supervising physical therapist in the patient's record and shall  
14 reflect the patient's progress toward the treatment goals and when the next reevaluation shall be  
15 performed.

16 (e) The physical therapist assistant shall document each treatment in the patient record,  
17 along with his or her signature. The physical therapist assistant shall document in the patient  
18 record and notify the supervising physical therapist of any change in the patient's condition not  
19 consistent with planned progress or treatment goals. The change in condition necessitates a  
20 reevaluation by a supervising physical therapist before further treatment by the physical therapist  
21 assistant.

22 (f) Within seven (7) days of the care being provided by the physical therapist assistant, the  
23 supervising physical therapist shall review, cosign and date all documentation by the physical  
24 therapist assistant or conduct a weekly case conference and document it in the patient record.  
25 Cosigning by the supervising physical therapist indicates that the supervising physical therapist  
26 has read the documentation, and unless the supervising physical therapist indicates otherwise, he  
27 or she is in agreement with the contents of the documentation.

28 ///

1 (g) There shall be a regularly scheduled and documented case conference between the  
2 supervising physical therapist and physical therapist assistant regarding the patient. The  
3 frequency of the conferences is to be determined by the supervising physical therapist based on  
4 the needs of the patient, the supervisory needs of the physical therapist assistant and shall be at  
5 least every thirty calendar days.

6 (h) The supervising physical therapist shall establish a discharge plan. At the time of  
7 discharge, or within 7 (seven) days thereafter, a supervising physical therapist shall document in  
8 the patient's record, along with his or her signature, the patient's response to treatment in the form  
9 of a reevaluation or discharge summary.

10 11. Section 2630 of the Code states:

11 "It is unlawful for any person or persons to practice, or offer to practice, physical therapy in  
12 this state for compensation received or expected, or to hold himself or herself out as a physical  
13 therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked  
14 license issued under this chapter.

15 "Nothing in this section shall restrict the activities authorized by their licenses on the part of  
16 any persons licensed under this code or any initiative act, or the activities authorized to be  
17 performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing  
18 with Section 3500).

19 "A physical therapist licensed pursuant to this chapter may utilize the services of one aide  
20 engaged in patient-related tasks to assist the physical therapist in his or her practice of physical  
21 therapy. "Patient-related task" means a physical therapy service rendered directly to the patient  
22 by an aide, excluding non-patient-related tasks. "Non-patient-related task" means a task related to  
23 observation of the patient, transport of the patient, physical support only during gait or transfer  
24 training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be  
25 under the orders, direction, and immediate supervision of the physical therapist. Nothing in this  
26 section shall authorize an aide to independently perform physical therapy or any physical therapy  
27 procedure. The board shall adopt regulations that set forth the standards and requirements for the  
28 orders, direction, and immediate supervision of an aide by a physical therapist. The physical

1 therapist shall provide continuous and immediate supervision of the aide. The physical therapist  
2 shall be in the same facility as, and in proximity to, the location where the aide is performing  
3 patient-related tasks, and shall be readily available at all times to provide advice or instruction to  
4 the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical  
5 therapist shall, at some point during the treatment day, provide direct service to the patient as  
6 treatment for the patient's condition, or to further evaluate and monitor the patient's progress, and  
7 shall correspondingly document the patient's record."

8 12. Section 725 of the Code states, in pertinent part:

9 "(a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering  
10 of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated  
11 acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of  
12 the community of licensees is unprofessional conduct for a physician and surgeon, dentist,  
13 podiatrist, psychologist, physical therapist, chiropractor, optometrist, speech-language  
14 pathologist, or audiologist."

15 **FIRST CAUSE FOR DISCIPLINE**

16 [Bus. & Prof. Code sec. 2660 (g)]

17 (Gross Negligence in the Practice of Physical Therapy)

18 13. Respondent is subject to disciplinary action under section 2660(g) of the Code in that  
19 he committed gross negligence in his care and treatment of patient C.A. The circumstances are as  
20 follows:

21 14. At all times relevant herein, Respondent was supervised by Rayna Kline, a licensed  
22 physical therapist. Ms. Kline was the only licensed physical therapist employed at Mountain  
23 View Physical Therapy in Redding, California. Ms. Kline owned approximately twenty percent  
24 of the physical therapy practice. Respondent Wesley Sphar owned approximately eighty percent  
25 of the Mountain View Physical Therapy practice.

26 **Patient C.A.**

27 15. On or about May 23, 2007, patient C.A., a 62-year-old woman, was referred by her  
28 physician for physical therapy to Mountain View Physical Therapy in Redding, California.

16. C.A. was referred for treatment of pain and lack of mobility caused by torn meniscus in her right knee.

17. C.A. was evaluated by Ms. Kline on her first appointment, May 23, 2007. While the patient's progress note indicates an evaluation by Ms. Kline, there is no written evaluation present in the patient's chart. Therefore, C.A.'s chart contains no specific plan of care prepared by Ms. Kline, the supervising physical therapist.

18. Treatment documented on this first visit was therapeutic exercise, functional electrical stimulation (FES), ultrasound (US), and transcutaneous electrical nerve stimulation (TENS) with ice. The progress note for this first visit was signed by Ms. Kline.

19. C.A. had a total of ten visits to Respondent's clinic for treatment between the initial visit on May 23, 2007, and the final visit on June 28, 2007.

20. In those ten visits, the supervising physical therapist provided treatment only twice. On the other eight visits, Respondent administered treatment to C.A., and completed and signed the chart entries for those visits. Ms. Kline, as Respondent's supervising physical therapist, failed to provide the necessary co-signatures in the patient's chart for any of those visits.

21. On three of the visits (May, 29; June 26 and 28), Respondent and Ms. Kline failed to note in the patient chart the treatments performed.

22. Of the seven visits in which the patient's chart contains entries of the treatments administered, functional electronic stimulation (FES) and ultrasound (US) treatments were done in all seven visits. Transcutaneous electrical nerve stimulation (TENS) treatments were done in six out of the seven visits.

23. On July 2, 2007, Respondent noted that the patient has completed her physical therapy, but no discharge summary in the patient chart and no co-signature by Ms. Kline was provided.

## Patient C.H.

24. On or about May 31, 2007, patient C.H., a 53-year-old woman, was referred by her physician for physical therapy to Mountain View Physical Therapy in Redding, California.

///



25. C.H. was referred for treatment of pain in her right arm from possible carpal tunnel.

26. C.H. was evaluated by Ms. Kline on her first appointment, May 31, 2007. While the patient's progress note indicates an evaluation by Ms. Kline, there is no written evaluation present in the patient's chart. Therefore, C.H.'s chart contains no specific plan of care prepared by the supervising physical therapist.

27. Treatment documented on this first visit was ultrasound (US), and transcutaneous electrical nerve stimulation (TENS) with ice. The progress note for this first visit was signed by Ms. Kline.

28. C.H. had a total of twenty-eight visits to Respondent's clinic for treatment between the initial visit on May 31, 2007, and the final visit on August 2, 2007.

29. In those twenty-eight visits, the supervising physical therapist provided treatment only once after the patient's first visit. On the other twenty-six visits, Respondent administered treatment to C.H. and completed and signed the chart entries for those visits. Ms. Kline, as Respondent's supervising physical therapist, failed to provide the necessary co-signatures in the patient's chart for any of those visits.

30. On eight of the visits (June, 15, 18, 19, 21, 25, 26, 29, and August 2), both Respondent and his supervising physical therapist failed to note in the patient exercise flow sheet that any treatment had been performed on those days.

31. Of the twenty-eight visits in which the patient's chart contains entries of the treatments administered, ultrasound(US) treatments were done in twenty-six visits, and in twenty-one visits transcutaneous electrical nerve stimulation (TENS), or premodulated electric stimulation with ice treatments were done.

32. On August 6, 2007, the patient's unsigned chart entry notes, "insurance isn't covering as much as she thought," and no discharge summary was completed.

## Patient C.S.

33. On or about October 17, 2005, patient C.S., a 62-year-old woman, was referred by her physician for physical therapy to Mountain View Physical Therapy in Redding, California.

///

1 34. C.S. was referred for treatment of ankle pain and was seen on three days, October 17,  
2 19 and 21, 2005.

3 35. During these three visits, no exercise flow sheet was created, no supervising PT co-  
4 signature was provided for the treatments done by Respondent, and no discharge summary was  
5 completed.

6 36. On July 11, 2007, C.S. was again referred to Mountain View Physical Therapy for  
7 treatment of back pain resulting from ankle surgery. C.S. was evaluated and treated by Ms. Kline  
8 on her first appointment on July 11, 2007. While the patient's progress note indicates an  
9 evaluation by Ms. Kline, there is no written evaluation present in the patient's chart. Therefore,  
10 C.A.'s chart contains no specific plan of care prepared by Ms. Kline, Respondent's supervising  
11 physical therapist.

12 37. On July 13, 16, 18, 20, 23, 27, and August 6, 8, 10, 13, 15, 17, 20, 22, and 24, 2007  
13 C.S. was treated by Ms. Kline. She notes in the patient's progress notes, "Treatment as per flow  
14 sheet," but no exercise flow sheet was created for this patient on those treatment dates.

15 38. On July 25, August 3, and August 27, 2007, Respondent provided treatment for C.S.,  
16 and he also noted in the patient progress note, "Treatment per flow sheet," but no exercise flow  
17 sheet was created for this patient on those treatment dates. There is also no co-signature by the  
18 supervising physical therapist for any of those three treatment dates.

19 Patient J.F.

20 39. On or about January 5, 2007, patient J.F., a 59-year-old man, was first referred by his  
21 physician for physical therapy to Mountain View Physical Therapy in Redding, California. J.F.  
22 would be referred to Respondent clinic for treatment by separate physicians on at least three  
23 different occasions between January 5, 2007, and September 6, 2007.

24 40. J.F. was referred for treatment for recovery from a pelvic fracture and rotator cuff  
25 rupture.

26 41. J.F. was evaluated by Ms. Kline on his first appointment on January 5, 2007 for left  
27 rotator cuff rupture. While the patient's progress note indicates an evaluation by Ms. Kline, there  
28

1 is no written evaluation present in the patient's chart and no exercise flow sheet. Therefore, J.F.'s  
2 chart contains no specific plan of care prepared by Respondent's supervising physical therapist.

3 42. J.F. received treatments from Respondent on January 8, 12, 15 16, 19, 24, 26, 29, and  
4 31. There is no co-signature by Ms. Kline, Respondent's supervising physical therapist, for any  
5 of these visits.

6 43. J.F. received treatments from Respondent on February 2, 6, 7, and 8, 2007. There is  
7 no co-signature from Ms. Kline for any of these visits. There is also no discharge summary in the  
8 patient's chart.

9 44. On March 13, 2007, J.F. was again referred for left rotator cuff surgical repair, and  
10 was evaluated by Ms. Kline. The evaluation was not included in the patient's chart and no  
11 exercise flow sheet was included.

12 45. J.F. was subsequently treated by Respondent on March 15, 16, 19, 20, 27, 28, and 29.  
13 An exercise flow sheet for these visits is not included in the patient's chart. There is also no co-  
14 signature by Ms. Kline for any of these treatments provided by Respondent.

15 46. On March 22, 2007, J.F. was treated by Ms. Kline. She wrote in the progress note  
16 "RX as per flow sheet", but there is no exercise flow sheet included in the patient chart.

17 47. Respondent provided treatments to J.F. on April 2, 3, 9, 10 12, 16, 18, 19, 23, 24, 26,  
18 30; May 1, 3, 7, 8, 10, 14, 15, 24, 25, 29, 31; and June 1, 2007. Ms. Kline provided treatments on  
19 May 18 and 21. The last treatment for J.T.'s referral for shoulder pain was June 1, but there was  
20 no discharge summary in the patient's chart. There is also no co-signature by Ms. Kline, for any  
21 of these treatments provided by Respondent.

22 48. There were a total of 52 treatment visits by J.T. for the referral for shoulder pain.

23 49. On June 7, 2007, J.T. was again referred for physical therapy, this time for recovery  
24 from left knee surgery and removal of hardware from right knee. Ms. Kline performed the initial  
25 evaluation.

26 50. J.T. was subsequently treated by Respondent on June 8, 11, 13, 15, 18, 20, 22; July 3,  
27 5, 6, 9, 11, 16, 18, 20, 23, 25, 30; August 1, 6, 10, 14, 15, 17, 20, 23, 24, 27, 30, 31, and  
28 September 6, 2007. There is no co-signature by Ms. Kline, the supervising physical therapist, for

1 any of these treatments by Respondent. There is also no discharge summary provided in the  
2 patient's chart.

3 51. There were a total of 33 visits for J.T.'s referral for treatment of the recovery from  
4 knee surgery. In every one of those visits, J.T. was treated with functional electronic stimulation  
5 (FES), and transcutaneous electrical nerve stimulation (TENS) with ice.

6 52. Respondent's conduct as set forth above provides grounds for discipline against his  
7 physical therapist assistant license as it constitutes gross negligence in violation of section 2260  
8 (g) of the Code as follows:

9 a) Respondent failed to properly document treatments performed, and also  
10 documented treatments that were not performed.

11 b) Respondent failed to conduct weekly case conferences with his supervising  
12 physical therapist.

13 c) Respondent excessively prescribed, furnished and administered physical  
14 therapy treatments to his patients as described above.

15 **SECOND CAUSE FOR DISCIPLINE**

16 [Bus. & Prof. Code sec. 2660 (i)]

17 (Aiding and Abetting the Violation of Laws and Regulations  
18 Governing the Practice of Physical Therapy)

19 53. Respondent is subject to disciplinary action under section 2660 (i) of the Code in that  
20 he aided and abetted his supervising physical therapist's violation of the law. The circumstances  
21 are as follows:

22 54. Paragraphs 13 through 52 detailed above are repeated here as if fully set forth.

23 55. Respondent's conduct as set forth above provides grounds for discipline against his  
24 physical therapist license as it constitutes the aiding and abetting of another to violate the laws  
25 and regulations governing the practice of physical therapy in violation of section 2260 (i) of the  
26 Code as follows:

27 a) The physical therapist's care and treatment of the patients cited above was  
28 grossly negligent in violation of section 2660 (g) of the Code.

1           b)     The physical therapist violated California Code of Regulations, title 16, section  
2 1398.44 by failing to have the supervising therapist co-sign treatment notes; failing to properly  
3 document all treatments in patient records; and failing to hold periodic case conferences for each  
4 patient.

5           c)     The supervising physical therapist's care and treatment of the patient's cited  
6 above constituted excessive prescribing, and administering of treatments in violation of section  
7 725 of the Code.

8           d)     Respondent's ownership of the Mountain View Physical Therapy Clinic in  
9 which his supervisor is employed constitutes inadequate supervision of a physical therapist  
10 assistant in violation of section 2655 of the Code and section 1398.44 of the California Code of  
11 Regulations.

12                               **THIRD CAUSE FOR DISCIPLINE**

13                               [Bus. & Prof. Code sec. 2620.7]  
14                               (Failure to Properly Document Treatment)

15           56.    Respondent is subject to disciplinary action under section 2620.7 of the Code in that  
16 he failed to properly document the care and treatment of her patients. The circumstances are as  
17 follows:

18           57.    Paragraphs 13 through 52 above are repeated here as if fully set forth.

19           58.    Respondent's conduct as set forth above provides grounds for discipline against his  
20 physical therapist assistant license as it constitutes failure to properly document the care and  
21 treatment of the patients described above in violation of section 2620.7 of the Code as follows:

22           a)     Respondent failed to properly document treatments, treatment plans, and failed  
23 to sign exercise flow sheets.

24           b)     Respondent failed to have his supervising physical therapist co-sign the  
25 treatments he administered for the four patients described above.

26                               **FOURTH CAUSE FOR DISCIPLINE**

27                               [Bus. & Prof. Code sec. 725]  
28                               (Excessive Prescribing of Physical Therapy)

1       59. Respondent is subject to disciplinary action under section 725 of the Code in that he  
2 repeatedly prescribed and administered excessive amounts of physical therapy treatments. The  
3 circumstances are as follows:

4       60. Paragraphs 13 through 53 above are repeated here as if fully set forth.

5       61. Respondent's conduct as set forth above provides grounds for discipline against his  
6 physical therapist assistant license as it constitutes excessive prescribing and administering of  
7 treatment of the patients described above in violation of section 725 of the Code.

8                               **FIFTH CAUSE FOR DISCIPLINE**

9                               [Bus. & Prof. Code sec. 2660 (k)]

10                              (Commission of Fraudulent, Dishonest, or Corrupt Act)

11       62. Respondent is subject to disciplinary action under section 2660(k) of the Code in that  
12 he committed a dishonest act in his care and treatment of the patients described above. The  
13 circumstances are as follows:

14       63. Paragraphs 13 through 52 above are repeated here as if fully set forth.

15       65. Respondent's conduct as set forth above provides grounds for discipline against his  
16 physical therapist assistant license as it constitutes the commission of a dishonest act in violation  
17 of section 2260 (k) of the Code as follows:

18               a) Respondent billed for services which were not provided.

19               b) Respondent billed for services as if they were administered by a physical  
20 therapist when in fact he had administered the services.

21               c) Respondent administered excessive amounts of physical therapy treatments to  
22 the patients described above.

23               d) Respondent billed for services which were not properly documented in the  
24 patient charts as described above.

25       ///

26       ///

27                               **PRAYER**

28       WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
and that following the hearing, the Physical Therapy Board of California issue a decision:

1           1.     Revoking or suspending Physical Therapist Assistant License Number AT 4249,  
2 issued to Wesley Sphar;

3           2.     Ordering Wesley Sphar to pay the Physical Therapy Board of California the  
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
5 Professions Code section 2661.5;

6           3.     Taking such other and further action as deemed necessary and proper.  
7  
8

9  
10 DATED: \_\_\_\_\_

11           11/07/2011

12           

13 REBECCA MARCO

14 Executive Officer

15 Physical Therapy Board of California

16 Department of Consumer Affairs

17 State of California

18 *Complainant*

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SA2009103246  
10764944.docx